

Interlocal Agreements – City of Austin – Capital Metro  
Zoning and Platting Commission Resolution (version 3.0)

Whereas the Capital Metropolitan Transit Authority (Capital Metro) and City of Austin Transportation, Development Services, and Planning and Zoning Departments (City) are currently reviewing interlocal agreements regarding transit connectivity and analysis during the City’s land development review processes; and,

Whereas these interlocal agreements could facilitate:

- Transit-related infrastructure, service and connectivity that are equitably designed and incorporated into development and redevelopment plans for mixed-use and multifamily projects,
- Transit-related infrastructure, service, and connectivity that are equitably distributed to transit-dependent minorities and low-income riders covered by the United States Civil Rights Act of 1964 and Civil Rights Act of 1968 (Fair Housing Act of 1968), and individuals covered by the Americans with Disabilities Act (ADA) of 1990 with outreach precedent set by ServicePlan2020 (e.g., Craigwood block walking in Historically Black Neighborhood(s); Spanish-speaking accommodations),
- The City’s compliance with the affirmatively furthering fair housing provision by providing equitable and affordable transit services for minorities and low-income families, and,
- An efficient and environmentally-friendly transit network that leverages limited transit resources by fostering partnerships and establishing transit-related commitments between the City, Capital Metro, and developers throughout the development review process; and,

Whereas the City of Austin Strategic Housing Blueprint highlights the critical link between housing affordability and access to affordable transit; and,

Whereas the City and Capital Metro are required to comply with Title VI of the Civil Rights Act, Fair Housing Act, and ADA; and,

Whereas Capital Metro’s website indicates that: “Compliance with Title VI of the Civil Rights Act of 1964 is a federal mandate for all agencies providing public services. Title VI applies to all aspects of the services provided by Capital Metro, which are required to be provided without regard to race, color or national origin. In addition, agencies must also comply with Executive Order 13166, ‘Improving Access to Services for Persons with Limited English Proficiency.’” and,

Whereas Capital Metro serves both transit-dependent riders who have little or no access beyond bus transportation and choice riders who have access to other transportation options (e.g., MetroRail, Express Buses: \$2.50 Local Pass compared to \$7 Commuter for 24 hours) with frequent routes serving South, West, and Central Austin every 15 minutes or less compared to 45 to 60 minutes north of Highway 183 (North Lamar Transit Center); and,

Whereas concerns have been raised to the Zoning and Platting Commission and other City Boards and Commissions that route changes implemented by Capital Metro through the June 2018 Cap Remap major service changes have a disproportionate disparate impact on transit-dependent riders covered under Title VI of the Civil Rights Act and ADA north of Highway 183 (North Lamar Transit Center) who now experience infrequent, unreliable, and disconnected service under Cap Remap, walking 0.7 to 3.8 miles—exacerbated by inclement weather—with average 30-minute transfer on Route 392-Braker to Arboretum jobs, and multiple transfers throughout Northeast Austin on former one-seat ride routes (e.g., New 339-Tuscany, 60 minutes) counter to Capital Metro’s marketing message of ½-mile/10-minute walk; and,

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Whereas Federal Transit Administration Circular 4702.1B (2012) specifies, “[T]he transit provider must consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative [and] ... provide a meaningful opportunity for public comment on any proposed mitigation measures, including the less discriminatory alternatives that may be available;” and,

Whereas Capital Metro’s Title VI Service Equity Analysis specifies, “Service changes are in accordance with Capital Metro’s Service Standards and the adopted Connections 2025 Service Plan,” three of five Southeast-west new routes were proposed to serve 10.3 to 13.7 riders/hour which failed to meet Service Standards (15 riders/hour during weekdays), and low-ridership routes serving only 1.8 riders/hour were improved for choice riders in Northeast Austin: 135-Dell Limited Flyer (\$40.83/rider), Northwest Austin: 19-Bull Creek (\$65.27/rider); Southwest Austin: 333-Convict Hill (2.9 boardings/hour) and 315-Ben White to vacant Austin Community College-Pinnacle; and West Austin: 30-Walsh Tarlton (5.6 boardings/hour) while concurrently eliminating and reducing Northeast Routes: 240-Rutland to St. David’s and H.E.B. (20.3 riders/hour), 339-Tuscany (60-minute wait), and 392-Braker, eliminated east-west connectivity to Arboretum jobs (e.g., H.E.B., Randalls, Super Target);

Whereas Attachment A provides a detailed explanation of the disparate impacts resulting from approximately \$9.9M Southeast-west expansion compared to \$0 Northeast-west elimination of Route 392-Braker to Arboretum jobs (e.g., H.E.B., Randalls, Super Target); 325-Ohlen to 803 MetroRapid and Walmart (Northcross jobs); and concurrent elimination of Route 21 Exposition which was replaced with a free Ride Austin option within the ½-mile walkshed to serve two 15-minute West Austin routes (18-Enfield, 335-35th/38th St) while eliminating Minority Route 240-Rutland with no alternatives, causing transit-dependent riders—including senior citizens, elementary students, and individuals using wheelchairs, walkers, or canes—to walk 0.7 miles to the nearest bus, causing minorities and low-income riders on Parmer Lane between Samsung and Dell to walk up to 3 miles to Route 392 off Dessau, which is a violation of Title VI; Now, Therefore,

Be it Resolved that the Zoning and Platting Commission supports the following recommendations to the Austin City Council and Capital Metro Board of Directors:

1. The following stakeholders should be consulted for input on a template for transit-related interlocal agreements associated with the land development review process: City Equity Office, neighborhoods, developers, Austin-based utility companies, The University of Texas at Austin, Saint Edwards University, Huston-Tillotson University, Travis County, Central Health, Austin Community College, Austin Independent School District, and other school districts in the City.
2. Transit-related interlocal agreements should be established in conjunction with the Traffic Impact Analysis for multifamily and mixed-use developments as they proceed through the City’s development review process to help ensure that transit infrastructure and services are designed, and integrated into the development plans.
3. The City, Capital Metro, and developers should consider using transit-specific service-level agreements to help ensure that equitable, efficient, and scalable transit services are available as multifamily and mixed-use developments are built and occupied by residents and businesses.
4. Transit requirements should not be waived for Safe Mixed-income Accessible Reasonably-priced Transit-oriented (SMART) housing.
5. Austin Energy should coordinate with Capital Metro on electric emission-free transit

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equipment.

6. Within 30 days, Capital Metro should provide the analysis used to analyze alternatives for the routes identified in Attachments, specifying the “meaningful opportunity for public comment on any proposed mitigation measures,” as required by FTA C 4702.1B with maps, costs, and options set forth by Capital Metro during the November 7, 2016 Connections 2025 Work Session for Routes 5, 19, 21, 22, 30, 315/333, and 663 as compatible with ServicePlan2020 outreach (e.g., Craigwood block walking) by Capital Metro.